IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

WP(C).No. 17047 of 2006(D)

AGAINST THE ORDER IN EP 151/04 IN OS.54/2001 of PRINCIPAL SUB COURT,KOCHI

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PETITIONERS:

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1. **MARGRETT V.PARAKKAL, W/O.SURESH JOSE, EMPLOYED AS TEACHER, MARY MATHA ENGLISH MEDIUM SCHOOL, THRIKKAKKARA.**

2. **K.K.BALAKRISHNAN, S/O.KRISHNANKUTTY, EMPLOYED AS TYPIST-CLERK, STATE BANK OF TRAVANCORE, THOTTAKKATTUKARA BRANCH, ALWAYE.**

3. **SUDHEER K.STEPHEN, S/O.K.STEPHEN, EMPLOYED AS CLERK, SOUTH MALABAR GRAMEEN BANK, PULAMANTHOLE BRANCH, MALAPPURAM DISTRICT.**

BY ADV. SRI.MATHEW ABRAHAM

RESPONDENT:

M/S.LITTLE FLOWER KURIES AND ENTERPRISES LTD., FORT KOCHI, KOCHI, REP. BY ITS CHAIRMAN, MR.O.T.ALEXANDER.

BY ADV. SRI.JIMMY JOHN VELLANIKARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.17047/2006 D

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE EXECUTION PETITION OF E.P.NO.154/2004 IN O.S. NO.54/2001 BEFORE THE SUB COURT KOCHI.**

EXT.P2: **COPY OF THE ATTACHMENT SCHEDULE FILED BY THE PRINCIPAL DEBTOR IN E.P.NO.151/04 IN O.S.NO.54/2001.**

EXT.P3: **COPY OF THE SALARY CERTIFICATE ISSUED BY THE PETITIONERS' EMPLOYER.**

/TRUE COPY/

KSS

M.N.KRISHNAN, J.

WP(C)No. 17047 OF 2006 D

Dated this the 28th May, 2007.

JUDGMENT

This writ petition is filed seeking to quash the directions passed in E.P.151/04 in O.S.54/2001 of the Subordinate Judge's Court, Kochi. The petition was one for realisation of the amount by attachment of the salary of the three judgment debtors at the rate of Rs.8,500/-, Rs.4,500/- and Rs.2,500/- respectively. When the matter came up for admission this Court directed payment of Rs.15,000/- and granted a stay. The said amount has been deposited. The decree holder also has entered appearance.

2. Learned counsel for the writ petitioners submits that if reasonable time is granted, they would be in a position to wipe off the liability.

3. Heard counsel for the decree holder as well.

4. I feel, since there is a desire for the judgment debtors to wipe off the liability and are prepared to pay reasonable amount, the matter can be disposed of as follows:-

i) The writ petitioners are directed to pay a sum of Rs.20,000/- (Rupees twenty thousand only) to the decree holder within a period of two months from today towards the liability.

ii) Thereafter the judgment debtors shall pay at the rate of Rs.7,000/- (Rupees seven thousand only) per month to the decree holder and wipe off the entire liability.

iii) If judgment debtors commit default in making payment of Rs.20,000/- or any of the instalments, then the decree holder will be at liberty to approach the Court for execution of the decree by attachment of the salary.

Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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